

Q. How many of the boys were there left at eleven o'clock?

A. I don't remember exactly.

Q. Ten or fifteen?

A. More than that. I know two of the parlors were full.

Q. About thirty?

A. Twenty-five or thirty.

Q. You had a talk with Ted?

A. I did.

Q. Who was present when you had this conversation?

A. Maxine.

Q. Who else?

A. Gail.

Q. Who else?

A. No one else that I remember.

Q. What part of the place did this conference take place?

A. In the parlor off the kitchen.

Q. How many other people were there in that parlor, outside of yourself, at the time this conversation took place?

A. No one except Gail, Maxine, Teddy and I, because that was the girls' private parlor, and no customers were allowed in there.

Q. Did it have a door?

A. Yes.

Q. As you tell us, the, Ted left in a huff?

A He did.

Q Did he say "Goodbye" to you?

A I don't remember whether he did or not. I was just as mad as he was.

Q Your relations with Ted were very unfriendly all of the way through?

A That's right.

Q They still are, aren't they?

THE COURT: That is an improper question, her relations since the preliminary, she has had none.

MR. SAMMARCO: None at all.

THE COURT: When she answers "They were", that is a complete answer.

BY MR. SAMMARCO:

Q When was the next time after this episode you again saw Ted?

A Less than a week.

Q Would you say that it was about five days?

A I don't know exactly. I said less than a week.

Q About how many days after this episode did you see Ted?

A Less than a week.

Q How many days would you say that would mean?

A I don't remember.

Q Four days?

A I don't remember.

Q Five days?

A I don't remember.

Q Two days?

A No, less than a week.

Q More than two days, but less than a week? Figure about four days?

THE COURT: No, she said more than two days but less than a week.

MR. KERSTEN: She says she doesn't remember. She doesn't remember as to five days, but does remember it was more than two days and less than a week. I think it's unfair to go back and say it's about four days.

MR. SAMMARCO: Well, time is an element.

BY THE COURT:

Q Are you able to fix it any more definite, more than two days but less than a week?

A No.

BY MR. SAMMARCO:

Q What occurred on this occasion when you say it occurred less than a week afterwards?

A He came up to collect money.

Q What time of the day or night did he come?

A Oh, between 10:00 and 12:00.

Q At night? Was the place busy that evening?

A. Not very.

Q. Did you meet him as he came in the back door?

A. Well, I let him in.

Q. What was his greeting to you?

A. I don't know. I don't remember.

Q. What did he say to you? What were the first words he spoke to you on that particular evening?

A. I don't remember.

Q. After you met him, where did you go with him?

A. Kitchen.

Q. Who was in the kitchen?

A. Maxine.

Q. Who else?

A. No one else.

Q. And what did you and Ted and Maxine do on this particular occasion?

A. She figured out how much money I had coming and paid him.

Q. What did you say at the time the payment was made?

A. I didn't have anything to say.

Q. Didn't you remember?

A. I always did, but that doesn't matter.

Q. Well, what did you say when you objected?

A. I told him I didn't think he had any right to take my money.

Q What did he say?

A He said he was my pimp and didn't see why not.

Q And that was not twice he said he was you pimp, but three times?

A I don't remember exactly.

Q You said Ted Capp told you he was your pimp for the first time when you paid him the frty dollars. Was that correct?

A That's correct.

Q You also stated on direct examination that Ted Capp went with you into your room on the second floor, at which time you called him a pimp. Is that correct?

A That's correct.

Q That was the second time that word was used?

A That's right.

Q Now you stat that there was another time which was this particular time on or about the 24th?

A I said that was the nature of the thing he said. I didn't say those were the exact words.

Q What were the exact words?

A I can't remember. That was in May.

Q You do remember the other exact words?

A That's right, because that was a fight.

Q How many times did Ted Capp tell you that he was your pimp?

A He told me that once.

Q Now, will you please tell us to the best of your ability, if you can remember the conversation on this particular day, the 24th or thereabouts, when he came in between ten and twelve that evening, what was the exact conversation?

A I can't remember the exact conversation; in fact there wasn't much, I just objected and that was all there was to it.

Q Did he say "Good-night" to you?

A I don't remember that.

Q Did you say "Good-night" to him?

A I don't remember.

Q At that time your feelings were quite strained, is that correct?

A That's right.

Q How much money do you claim this man received when he came up there this particular time?

A \$125.00.

Q When was the next time you saw Ted Capp?

A Less than a week.

Q By "less than a week" you mean maybe three or four or five days?

A That's correct, three or four or five or six.

Q That would bring us down to about the 28th of May. Is

that correct?

A Yes, sir, about.

Q Under what circumstances did you see Ted Capp on the 28th day of May, 1941?

A He came up to collect my money again.

Q What time of the day or evening was it?

A It was between 8:00 and 11:00 something like that.

Q Would you say closer to 11:00?

A Yes, I think it was.

Q Who was present when Ted came on or about the 28th day of May, 1941?

A Gail was in the kitchen when he came. I let him in the door. The rest of the girls were in the parlors.

Q How was it every time he came there you were near the door and opened the door for him?

A Because I used to always usually open the door when anyone came there.

Q Were you taking care of the door at this joint?

A If I saw someone coming, I would let them in, if that's what you mean. I wasn't a doorman, though.

Q It is a fact every time Ted Capp went up there you always greeted him by opening the door, is that correct?

A Yes; I always let him in the door, except the time when he came up for that show business, and that time Maxine let him in, because I was too mad.

Q On this 28th day of May, what did you and Ted do after he got into the place?

A I took him up to my bedroom.

Q Where was your bedroom located?

A On the 2nd floor. When you came in from the parlor by the kitchen you come through that door, go up to your left up those stairs and it's located to your right when you get upstairs.

Q Did anyone see Ted Capp coming up to the door?

A Which door? The outside door?

Q No, the upstairs door.

A Not anyone that I know.

Q Didn't anyone in the place know Ted Capp was in the Old Colony Inn?

A No, except Sam knew it, the girls knew it.

Q She saw him coming in?

A That's right.

Q You say you went up to the upstairs room, is that correct?

A That's right.

Q With Ted?

A That's right.

Q How long were you in there alone with Ted?

A About fifteen minutes.

Q What was the subject of the conversation?

A I told him I wasn't going to give him any more money.

Q Is that all?

A No, sir, I said more.

Q What?

A I told him I didn't want to give him any more money because I was doing the work and not him, and I called him a pimp, and he got made and slapped me and walked downstairs.

Q You didn't see him after that, did you?

A I saw him next night.

Q But that same evening you didn't see him go?

A When I came downstairs right after he left I looked through the door and he was standing in the kitchen, talking to Gail.

Q And then you saw him the next night again?

A That's correct.

Q Did you come down to Milwaukee pursuant to an arrangement to meet Ted Capp?

A What do you mean?

Q Did someone make the arrangement for you to come to Milwaukee and meet Ted Capp?

A I don't know. All I know, Maxine and Christ took me down here.

Q That's all you know?

A That's all I know about the arranging of it.

Q You stated on direct examination there was to be a payment of \$150.00 is that correct?

A That's correct.

Q You stated on direct examination that you saw the payment of \$100.00?

A That's correct.

Q What happened to the other fifty?

A Maxine was supposed to wire it to him next day.

Q Do you know whether or not that money was wired?

A I don't know. Why I know, I went in hock for it and had to pay for it if he got it, or not.

Q What do you mean, you "went in hock"?

A I had to work off that \$50.00.

Q How about the hundred?

A That hundred was my earnings she had taken along.

Q Do you know whether or not the \$50.00 has ever been paid?

A I don't know, sir.

Q Did you inquire of Maxine whether she had paid the \$50.00?

A She came back next day and wrote down \$50.00 on my bill and said: "You'll have to work that off, I just wired it to Louis." Whether she did or not, I don't know--I mean to Teddy.

Q You worked it off? Isn't it a fact when you went down

to Du Laveris Tavern, that the first place you went before going in there was the Belmont Hotel?

A You mean the night I broke up with him? The night Maxine and Christ came in?

Q Yes.

A You mean we went to the Belmont first?

Q Yes, to have a cup of coffee.

A That's right, we did.

Q Isn't it a fact that Maxine and Christ came over to the tavern and you went over to the Du Laveris Tavern all alone?

A That isn't the truth. We never parted company from the time they left the Old Colony Club.

Q Isn't it a fact Christ, Christ and Maxine then came over to get you and brought you over to the DuLaveris Tavern?

A We all went over to the tavern the same time.

Q Did you see Louis Fazio during the month of May, 1941?

A I did.

Q How many times did you see Louis Fazio?

A I don't know exactly how many times.

Q About how many times did you see him?

A I saw him when he drove me up, and he came up to the joint a couple of times, but all I could say was when he walked in the door and I wouldn't be allowed to see him any more, and I saw him in the coffee shop that

night.

Q The night you came down on the hundred dollar settlement you saw Louis Fazio in the coffee shop?

A He was drinking coffee.

Q And you talked to him, didn't you?

A He came over and talked to Maxine.

Q You also saw Louis Fazio two days after you had been taken up to Maxine's, is that correct?

A I don't know. He may have been up there. I stated the fact I had seen him several times just come in, but I never was allowed to talk to him and see him longer than when walking in the door, because Maxine would keep him in the kitchen and keep the rest of us out of there.

Q In other words, you were not present when there was a conversation between Maxine and Louis Fazio?

A What time?

Q At any time he came up there?

A No, sir, I never was.

Q When you went to the Belmont Hotel after this alleged payment of \$100.00, how long did you stay with Fazio?

MR. KERSTEN: There is no such testimony she went to the hotel after she went to Du Laveris'.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q When did you see Fazio, before or after you had been to the Du Laveris Tavern?

A Before, when he was drinking coffee and we were drinking coffee.

Q Were you all sitting together?

A Maxine, Christ and I were sitting together.

Q Was Louis Fazio sitting with you?

A He came over and sat with us later on when he saw us together in there. When we first came in, three of us sat together.

Q In other words, when you were drinking coffee, there was you, Christ, Maxine and Fazio, is that correct?

A Yes.

BY THE COURT:

Q Did he have his coffee at your table?

A Yes, he brought it over.

BY MR. SAMMARCO:

Q You had a discussion as to business, is that true?

A No, sir, I didn't take any part in the discussion.

Q There was a discussion pertaining to business in your presence?

A What kind of business?

Q Prostitution business?

A No. If they did any talking I didn't have any part of it. I was just drinking my coffee.

Q What was the conversation in your presence with reference to your future the evening that they came down to the Du Lavernis Bar?

A They didn't speak anything about my future.

Q Sure about that?

A Yes, all except they were going to take me back up to the joint.

Q Who?

A Maxine and Chrust.

Q How about Fazio?

A No.

Q Right after you worked for Fazio, didn't you?

A No, I didn't. A couple of days later.

Q You started working for Fazio?

A Yes.

Q You mean to tell me that that evening you didn't discuss business relations there?

A I didn't, because I was surprised when Louis came up there with those other three fellows, and it was Maxine's idea he be my pimp. I didn't have anything to say about it.

Q When you were down to the Belmont Hotel you didn't make any noise about your job, did you, that particular evening?

A I didn't say anything.

Q When you were in the Belmont Hotel you made no objection about going back to Sheboygan Falls in this house of prostitution?

A I didn't know where else to go. I couldn't go home, after what I done, could I?

MR. SAMMARCO: I move the last part of that answer be stricken.

THE COURT: The motion will be granted. But there is no need carrying it on, endless conversation.

BY MR. SAMMARCO:

Q You voluntarily then that evening, after you got through with Du Laveris went back to Sheboygan Falls?

A That's right.

THE COURT: We will suspend here and come in at 9:30 tomorrow morning.

November 18th, 1941. Trial resumed.

Parties appearing as heretofore noted.

Defendant in Court.

(The following not in presence of jury):

THE COURT: Let the record show defendant's counsel has submitted a request to examine the witness Gloria Eichstaedt as to her conduct, chastity, character and reputation, prior to May 1st, 1941, and also to

question other witnesses upon the same subject. Let the record further show that this request is denied for the reason that it is not material to the issue and is not in the opinion of the Court the proper method of attack upon the credibility of the witness, Gloria Eichstaedt.

So there may be no misunderstanding as to the use of the term "reputation", I don't think there is any possibility of misunderstanding, but let there be none, that reputation as used in your motion and as used by the Court in denying your petition or motion, is reputation as to character and chastity. You, of course, have the right to put on witnesses as to truth and veracity of any witness.

MR. SAMMARCO: I will accept the Court's instructions.

THE COURT: Let the record show so far as reputation and truth and veracity, it is not included in the Court's ruling.

(Jury brought in)

GLORIA EICHSTAEDT, being recalled for further cross-examination testified as follows:

BY MR. SAMMARCO:

Q On May 2nd, when you first saw the defendant, that was at 9:30, is that correct?

A No, sir, I saw the defendant the first time on May 1st at 2:30 in the morning.

Q I am referring to May 2nd, when did you first see him?

A 9:30 in the evening.

Q At that time he was a bartender, tending bar?

A Yes, sir.

Q And after that cab was called, you got to the Jackson Hotel about ten o'clock, is that correct?

A 10:00 or 10:30.

Q How long did it take you to get to the Jackson Hotel?

A Not very long, just a few minutes.

Q About five minutes?

A I don't know exactly.

Q You were examined on preliminary examination on October 15, 1941. Were you asked this question and did you make this answer, page 4:

"Q About what time did you leave the tavern?

"A About ten o'clock.

Was that answer then true that you gave, or do you wish to change your answer?

A No, I am not changing it. I just said 10:00 or 10:30.

Q At that time you said about ten o'clock. Was that answer true?

A Yes, it was true.

Q It is still true today, isn't it?

A Yes.

Q After you go to the Jackson Hotel, up to what time did you stay there?

A Up until about 11:30.

Q And then you left and immediately went to the Belmont Hotel, is that correct?

A That's correct.

Q Yesterday you testified you got to the Belmont Hotel about 12:0'clock, is that correct?

MR. KERSTEN: That isn't my recollection of the testimony.

BY MR. SAMMARCO:

Q Then you got to the Belmont Hotel a little after 11:30?

A No, sir, I got there between a quarter to 12:00 and 12:00 o'clock.

Q But not after 12:00.

A No, not after 12:00

Q Isn't it a fact when you got up to Maxine's place there were only two girls there, Bill and another girl?

A No, that isn't correct.

Q You are positive about that fact?

A I am positive.

Q Is your memory better today than it was at the time

of the preliminary examination?

A. I wouldn't say it was better.

THE COURT: Isn't that in the nature of argument with the witness?

BY MR. SAMMARCO:

Q. You were told while going up to Maxine's that the job was to be that of hustling?

A. That's correct.

Q. When you asked him what kind of a job it was, Louis Fazio was the one told you it was hustling?

A. That's correct.

Q. The defendant never told you anything, is that correct, as to the nature of the job?

A. He did after Louis said it, but Louis told me first.

Q. You didn't so testify at the time of the preliminary, did you?

A. No, sir.

THE COURT: Is this proper cross-examination?

MR. KERSTEN: I think it's going over and over the same thing.

THE COURT: Under my understanding of the impeachment of a witness on testimony given at a prior time, you must read the questions and answers.

MR. SAMMARCO: We are willing to do that.

It's pretty difficult for a witness or anyone else to determine.

MR. SAMMARGO: I am merely checking up yesterday's testimony.

THE COURT: I am referring to your last question. I think the question and answer must be ordered stricken as not proper cross-examination.

BY MR. SAMMARGO:

Q Now, you stated yesterday you started working from seven to nine days at Maxine's tavern, is that correct?

A Approximately, yes.

Q You were examined on preliminary examination October 15th. At that time were you asked this question and did you make this answer, page 10:

"Q Tell us what happened there at Maxine's? When did you start to work?

"A About nine days after I arrived there."

Was that question asked you and did you make that answer?

A I didn't.

Q Isn't it a fact about two days after you had gone up to Maxine's the defendant was called and he came up to see you?

A I don't recall that.

Q Do you recall that a couple of days after you were up at Maxine's you were dressed in a pair of slacks and were lying near the river, sunning yourself, and the defendant came up there to talk to you?

A I don't remember it.

Q Do you remember when he was out there in the field with you, you asked him about singing and you wanted some pointers on singing, and he so gave them to you?

A I don't remember that.

BY THE COURT:

Q You say you don't remember. If that happened, is there any reason why you shouldn't remember?

A No, but I can't remember it happening.

Q Then do you know it didn't happen?

A It's quite a long time ago, and if it did happen, I can't remember it happening.

BY MR. SAMMARCO:

Q Now, during the preliminary examination you were asked many questions, isn't that correct?

A That's correct.

Q You at no time informed the Court during the entire examination that you had been slapped by Teddy Gapp in your room, isn't that correct?

MR. KERSTEN: Object to that as improper.

THE COURT: Objection sustained.

Q Now, after, as you state, the defendant had received \$125.00?

A That's correct.

Q At the preliminary examination were you asked these questions and did you make these answers:

"Q When did you see him again after that?"

Page 14, referring to the time after, as you said, he received \$125.00.

"A About a week later, sir.

"Q Where was that?

"A He came up to the joint again.

"Q What happened on that occasion?

"A I told him I didn't want to give him any more of my money and I didn't want to be with him any longer, and he got angry and walked downstairs and talked to Gail.

"Q What happened after that?

"A He left then.

"Q When did you see him again?

"A Next night.

"Q Where?"

"A At Du Laveris' Bar in Milwaukee."

Were you asked those questions and did you make those answers?

A I did.

Q At that time you didn't state anything as to having been beaten up?

A I didn't get beaten up. I was slapped across the face.

Q But you didn't state that?

A No, I didn't.

Q Yesterday you testified to the fact that you were introduced to Ted Capp by Danny Patsos. Is that correct?

A That's correct.

Q Page 18 of the preliminary. At the time of the preliminary examination on October 15th, were you asked these questions and did you make these answers:

"Q Who introduced you to Ted Capp?"

"A A friend of mine.

"Q Who was that?"

"A Danny.

"Q Danny who?"

"A I don't know his last name."

Were you asked those questions and did you make those answers?

A I did, sir, but I didn't know his last name until yesterday morning when I heard you and that lawyer over there discussing it, and I heard his last name mentioned. That's how I knew.

Q What lawyer are you referring to?

A Mr. Kersten.

Q You testified yesterday that you got to the Jackson Hotel and he walked in first, and then called you later, is that correct, a few seconds later?

A That is correct.

Q Was that downstairs or upstairs?

A Downstairs.

Q Referring to page 20 of the preliminary:

"Q And you got to the hotel, how did you happen to go into this room in the hotel?"

"A Well, he walked in first and he called me in then.

"Q Didn't he open the door?"

"A I don't know. Je just walked in there.

"Q The door was open, wasn't it?"

"A It was closed, but open.

"Q That is, you can open it without a key?"

"A Yes, sir."

Were you asked those questions and did you make those answers?

A Yes, sir, but wasn't talking about the room?

Q I am asking you the question. That's all. Referring to page 23. You remembered everything absolutely well yesterday, is that correct?

A Yes, sir.

THE COURT: That isn't a proper question. Don't repeat.

BY MR. SAMMARCO.

Q Referring to page 23, Mr. Kersten. On the 15th were you asked these questions and did you make these answers, that is, referring to the next time after you saw him, after he had paid the \$35.00 or gotten the \$35.00:

"Q When was the next time he came to see you after that?

"A It was about a week later.

"Q How much did he pay you then?

"A He didn't pay me.

"Q How much did you give him then?

"A I beg your pardon?

"Q You were in the business. How much was that?

"A I didn't give him anything.

"Q Nothing at all. That would be one week later.

When did you pay him again after that?

"A I don't remember anything.

"Q You remembered it pretty well when you were asked the question the first time?

"MR. STEFFES: I object to that as being argumentative.

"The COURT: Yes, objection sustained.

"MR. SAMMARCO: Let's find out what she knows.

"Q When was the next time you paid him again after the 23rd of May, 1941?"

"MR. STEFFES: The 23rd of May isn't in there except by testimony of counsel. That is his computing of testimony.

"MR. SAMMARCO: That is her own testimony.

"THE COURT: She may answer.

"THE WITNESS: I can't remember anything.

"MR. STEFFES: May we have a short recess?"

"THE COURT: Surely.

"(Whereupon a short recess was had.)"

And right after that, it is a fact I was sitting across the Court from you in District Court, is that correct?"

A Yes.

Q We had a table about that wide (indicating)?"

A Yes.

"THE COURT: Does counsel wish to testify in this case?"

"MR. SAMMARCO: No, trying to impeach credibility.

Q Isn't it a fact in my presence you then told Mr. Steffes you couldn't remember anything?"

THE COURT: Conversation had in the court room when the trial was not going on?

MR. SAMMARCO: No, it was going on, but while the Court was calling the recess.

THE COURT: Was she on the witness stand?

MR. SAMMARCO: No, she got off the witness stand then.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q All these times you claim that the defendant came in to get the money you stated was usually in the evening before ten o'clock, is that correct?

A Yes, sir.

Q You remember you testified that about the 25th of May he came up, at which time he brought a friend of his along, that's correct, isn't it, when he came up there and took you out for that ride?

A I don't remember mentioning him, but

Q Well, it was the latter part of May, is that correct, when he came up with this Harry Guzins and they took you in the car and you were dressed up in sort of a house dress. Do you remember that incident?

A I remember the incident.

Q At that time there was no quarrel between you and Ted

was there?

A I had hollered at him before, because I didn't want to give him my money. That was a quarrel.

Q Did you have a quarrel that particular evening when he tried to bring you back to Milwaukee?

A Yes, I started screaming.

Q Did you have a quarrel before you started screaming?

A Yes, because he wouldn't tell me where he was taking me.

Q Did you have any other conversation?

A No, just about where he was taking me.

Q And that was all the conversation you had?

A All I can remember.

Q Page 27, referring to this particular evening when they went up to see her and bring her back:

"Q What conversation did you have on or about the 29th day of May with him?

By the way, at the preliminary examination that question was asked you, is that correct?

A Yes.

Q And you gave this answer: "I can't remember the conversation, it was just the usual thing. We talked shop and he wanted me to meet his friend outside."

Is that correct?

A Yes. That is correct, but that was said in the

joint. I thought you meant what was said in the car.

MR. KERSTEN: Why don't you read on?

BY MR. SAMMARCO (Reading)

Q. "Q That was the time he started to drive back and then took you back to Maxine's place?"

"A. That's right."

Were you asked that question and did you make that answer?

A I did.

Q I believe yesterday you stated that you were in Maxine's place until sometime in July. Is that correct?

A Do you mean the first time I left there?

THE COURT: When you left there finally,

A September 11th.

BY MR. SAMMARCO:

Q In between you had left the place, is that correct?

A That's correct.

Q Going back to the tavern at the time you claim Ted received the \$100.00, did you partake in the conversation there as between all of the parties?

A No, sir, just the greeting and the fact I told him he should remember to leave me alone after he had my hundred dollars.

Q After that there was no other conversation you had?

A except with Maxine.

Q Now, yesterday, to the Court's question as to what the highest amount was you received, you testified that you received at times \$5.00 and \$10.00. That's correct, isn't it?

A Yes.

MR. KERSTEN: She also stated she didn't remember exactly, as I recall, but it was in amounts as given by counsel, at times.

MR. SAMMARCO: As I recollect the testimony she answered the Court: "5.00 and \$10.00."

THE COURT: The jury ^{will} remember the testimony for themselves, and, if on any important matter you can't remember it, you are entitled to have the notes read back. That, in a simple case, should not be necessary, but that is your duty, to get the testimony from the witnesses and remember it for yourselves, or get it from the record. What counsel represents the testimony to be should not affect your judgment.

BY MR. SAMMARCO:

Q Referring to page 32, Mr. Kersten--were you asked these questions on the preliminary and did you make these answers:

"Q Did you at any time earn more than \$2.00 on any

one occasion?

"A Oh, yes.

"Q What was your highest earnings?

"A I don't remember, sir.

"Q You did the charging, isn't that correct?

"A You mean did I ask men for the money?

"Q Yes,

"A Yes, sir, I did.

"Q What was the maximum amount you asked for on any one occasion?

"A I didn't ask them. I just asked them for money and what they gave me I took.

"Q What was the highest amount you received?

"A I don't remember."

Do you remember making a long distance call to Du Laveris' Tavern to talk to Ted Gapp?

A Yes.

Q Do you remember approximately when that occurred?

A I think right after that business about the show. I was angry with him.

Q That was when the J.C.C. wanted to put on the show?

A That is correct.

Q What was the conversation you had with Ted Gapp right after this J.C.C. affair?

MR. KERSTEN: The question to me is a

little bit confusing in view of the preliminary statement of counsel. I don't know whether he refers to the telephone conversation that he directed the witness attention to, or the conversation she testified she had with Magliano after he came up on this occasion.

THE WITNESS: I wanted to know how much of my money he had and I wanted it back and he told me I couldn't have it back.

BY MR. SAMMARCO:

Q That is all of the conversation you had?

A Yes.

Q Referring to page 41 of the preliminary, top of the page:

"Q Did you ever make any long distance calls from Maxine's house to Du Laveris Tavern?

"A Not that I remember.

"Q Do you remember calling Ted Capp over the long distance telephone and asking Ted how much money of yours he had in his possession? Do you remember that?

"A Yes, sir, I do.

"Q When was that?

"A I am not sure, but I think it was after the convention business when I was mad.

"Q You say when you were so mad?

"A Yes, sir, I was mad.

"Q You wanted your money back, is that correct?

"A I did.

Were you asked those questions, and did you make those answers?

A I did, sir.

Q Did you ever tell the defendant how old you were?

A He never asked me.

Q You told the others, is that correct?

A Yes, I did.

THE COURT: Who do you mean by "the others"?

BY MR. SAMMARCO:

Q Fazio and the rest of them, and Maxine, they all knew that?

A Yes, they all knew it.

Q Your correct name is Gloria Eichstaedt, is that correct?

A That's correct.

Q Have you ever had any other name except what you told us yesterday of Patricia and Irish?

A No, sir, not that I remember, not while I was in the business, no, those were the only two names.

Q While you were in business or before that?

A Oh, yes, when I was twelve I used the name Rose Marie

Prasser.

Q Did you ever use any other name?

A Not that I remember of.

Q Did you ever use the name of Froemming?

A No, sir.

(Newspaper clipping marked "Defendant's Exhibit A" for identification.)

BY MR. SAMMARCO:

Q I show you Defendant's Exhibit A for identification.

Can you tell us whether or not that is your picture?

A That is the time I think I used the name Prasser.

Q Is that your picture?

A Yes, sir.

Q Can you tell us what name appears under the name of the picture?

MR. KERSTEN: I think this is immaterial and will object to it. No question but the girl went down to Chicago and used an alias, but I don't see the materiality of it.

THE COURT: That is for the jury.

MR. KERSTEN: After all this is a fugitive piece of paper.

THE COURT: Objection overruled.

BY MR. SAMMARCO:

Q Have you ever used the name of Nancy Froemming?

A Yes.

Q Did you ever use any other names?

A Not that I can remember.

Q You did use the name Irish?

A Yes, I did.

Q When was the first time you saw Detective Hanlon, do you remember?

A Yes, I remember on September 11th.

Q Where did you first see him?

A Up at Sheboygan.

Q And that was in the police station?

A The Court House.

Q When you talked to Mr. Hanlon he asked you for your name, did he not?

A He did.

Q What name did you give him?

A Pattie Madden.

Q Pattie Madden?

A That's correct.

Q Can you tell us why you left home on the bus on April 13th?

A Yes, sir, I can tell you.

Q Why?

A Because they had two little boys, and every time they would see me they told me I didn't belong in the home,

and I didn't like it, and anyway my mother kept coming to see me, so I left.

Q. Isn't it a fact yesterday you testified that you hadn't seen your mother for two years. I believe I am right.

Q. No, I think I had seen her off and on, but I had been separated from her since I was twelve.

Q. When was the last time you saw your mother?

A. I think it was in January, the early part of January.

MR. SAMMARCO: That's all.

RE-DIRECT EXAMINATION

BY MR. KERSTEN:

Q. Just a few more questions, Gloria. Where were you born?

A. Milwaukee, Wisconsin.

Q. Milwaukee County, is that right?

A. Yes.

Q. You were asked by counsel yesterday what Maxine said to you, or rather what you said to Maxine when you met her for the first time in the early part of May, and that you told her you didn't want to do that kind of work. You testified, in response to counsel's question yesterday to that effect. Now, give us the entire conversation concerning which that remark of yours was connected.

A I told her to explain to me what hugging was so I would know, and she did explain.

MR. SAMMARCO: That's objected to as hearsay.

THE COURT: Objection overruled. You are entitled to the entire conversation.

A And I told her I didn't want to do that kind of work and she said: "Well, you got yourself in with Teddy, now you might as well make some money on it."

Q You did go down to Chicago some time ago and you ran away and went down there and did some singing, is that right?

A That's correct.

Q When was that?

A A year ago this summer.

Q You mean a year ago last summer?

A Yes, the summer that just went by.

Q Is that the occasion when this picture appeared in the paper?

A No, that was taken three years ago.

Q Where were you on that first occasion when the picture was taken?

A In the police station.

Q Of what city were you in?

A Chicago.

Q How did you get down there that time?

A I rode on top of a train.

Q You were thirteen years old?

A Twelve.

Q With whom were you living at that time?

A My mother and my grandfather and my grandmother and my uncle.

Q After that occasion where did you live?

A I lived with my aunt.

Q You lived with your aunt after that?

A Yes, sir.

Q When you were fourteen you went down to Chicago on this singing business?

A That's correct.

Q Where were you staying at that time?

A I lived in some hotel.

Q No, I mean in Milwaukee, where did you live?

A With my grandmother and my aunt.

Q You grandmother and your aunt?

A Yes. I stayed a little while at my aunt's house, and then I would go over to my grandmother's house.

Q When you came back to Milwaukee after that occasion in Chicago, where did you live?

MR. SAMMARCO: What occasion?

MR. KERSTEN: The last time, a year ago.

A. Then I went to stay at my grandmother's house.

Q. How long did you stay there?

A. A day.

Q. Then where did you go?

A. Cudahy.

Q. Where did you live after you lived with your grandmother when you came back?

A. I was with these foster people.

Q. Who placed you there?

A. The Juvenile Court.

Q. Where was that foster home?

A. 2728 North 75th Street, Wauwatosa.

Q. Is that the Claussen people you speak of?

A. Yes, sir.

Q. The Fazio that came over and talked with you in the Belmont Hotel that you refer to in your answer to counsel's question, or talked with the people that was with you, was that the same Fazio drove up to Sheboygan Falls the early part of May with Duffy and this defendant?

A. That's the same man.

Q. After you went back to the Old Colony Club after the end of May and in the early part of June, Fazio came into the picture, didn't he?

A. He did.

Q And he collected some of your money, didn't he?

A Yes.

Q He was the same man now that you referred to, that want up with Teddy Capp the first time?

A That's correct.

Q And when you were arrested, or rather, when you were picked up, you were in this house of prostitution up there in Sheboygan Falls on or about September 11th, isn't that correct?

A That is correct.

Q How did you get from that house of prostitution to the Court House, as you say, in Sheboygan?

A The undersheriff of Sheboygan County took me.

Q Who was together in the party?

A Just the undersheriff.

Q In other words, you were picked up by the Sheriff, weren't you - the undersheriff?

A Yes.

Q You didn't make any effort of your own accord to return into Sheboygan, did you?

A No, sir, I did not.

Q And you gave George Hanlon the name of Pattie Madden, is that correct?

A That's correct.

Q When you left this foster home, as you say, around about

Easter of this year, and went around to various places in Milwaukee, up until the time you met the defendant, will you state whether or not you had been doing any drinking?

A I Yes, I have.

Q Can you give us any idea how much?

A I got drunk quite often, sir.

Q How frequently did you get drunk?

A Most every night.

Q Who purchased the liquor that you drank?

A Whoever I happened to be with.

Q Did you have any money to buy this liquor?

A Occasionally.

Q Did you have it when you started out on Easter?

A No.

Q Before you went up to Sheboygan Falls the first time with Magliano, Fazio and Duffy, did you know what the meaning of the word "pimp" was?

A Never heard the word before.

Q When you were arrested on September 11th and went to Sheboygan, where did you go right after that?

A To Milwaukee.

Q When did you come to Milwaukee?

A September 11th.

Q That same day. Where did you come to in Milwaukee?

A Court House--Safety Building.

Q This building, you mean. The Safety Building you call this. Where have you been since September 11th when you first came down to the Safety Building in Milwaukee?

A Upstairs, here.

MR. SAMMARCO: That's objected to as immaterial.

THE COURT: She may answer.

A I was upstairs in jail.

BY MR. KERSTEN:

Q You have been in jail ever since that time, have you not?

A Yes.

Q Have you been in contact with anybody outside of the police officers and the members of the District Attorney's office?

A Just the matrons in the jail.

Q So for over two months you have been held as a material witness, is that correct?

A That is correct.

MR. KERSTEN: That's all.

RE-CROSS EXAMINATION

BY MR. SAMMARCO:

Q You testified that right after Easter, during the two

week period, you were drunk every night, is that correct?

A Just about.

Q You also testified that at times you bought your own drinks?

A That's right.

Q When you left the Calussen home, you didn't have any money?

A No.

Q Where did you get the money to buy the drinks?

A My girl friend.

Q What girl friend?

A Camilla.

Q How much money did Camilla give you?

A Two dollars.

Q And that was on the evening of the 13th of April when she gave you that two dollars, is that correct?

A Sure.

Q How long did that two dollars last you?

A Just that evening.

Q In other words, after the 13th you then got all your drinks for nothing, is that correct?

A No.

Q You paid for some drinks after the 13th?

A Do you mean up to the time I met Teddy?

MR. KERSTEN: I will object to counsel's question unless very specific.

(Last question and answer read)

BY MR. SAMMARCO:

Q Between the 13th and up to the time she met Ted.

THE COURT: Do you understand the question now?

A Yes.

BY MR. SAMMARCO:

Q What is your answer?

A Yes, they were all bought for me.

Q They were all bought for you?

A Yes

Q But in other words, you didn't pay for any drinks at all after the 13th and up to the time you met Ted?

A No.

Q Were you in such a state of intoxication for those two weeks you didn't know what you were doing?

A No, I got sober just like anybody else did.

Q In other words, you would be intoxicated during the night and the next day you were sober, is that correct?

A That's right.

Q Now, the District Attorney on redirect examination asked you as to your employment after June 1st, 1941,

asked you specifically as to whether or not you worked for Fazio after that time. You worked for him, is that correct?

A I did.

Q You voluntarily worked for him, is that correct?

A No, sir.

Q What do you mean, "No, sir"?

A I didn't do it voluntarily. I had to do it.

Q You had to do it?

A That's right.

Q Did you tell that to the sheriff up at Sheboygan?

MR. KERSTEN: Object to that as immaterial.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q Before you went to Claussen's home you were taken to some sort of an institution, is that correct?

A The Detention Home.

Q How long were you there?

A I don't remember. I think about six weeks.

Q You appeared before Judge Shaughnessy, didn't you, in Juvenile Court?

A Three years ago, yes, sir.

Q Right after you appeared before Judge Shaughnessy, where did you go to live?

A Went to live with my aunt.

Q Isn't it a fact you went to live at the Home for Dependent Children?

A Oh, yes, I think I went to live with my aunt.

Q You remember that?

A Yes.

Q How long were you in the Home for Dependent Children?

A One week.

Q And then you went to live with Mrs. Jerome, is that correct?

A That's correct.

Q What happened after that?

A I left.

Q You mean you ran away?

A Yes.

Q Was that the second time you ran away?

A I think so.

Q In other words, you also ran away another time when you went to sing at Chicago, that the District Attorney asked you about?

A That's correct.

Q And the second time you ran away when they brought you back, where did you go to live?

A I went to live with my grandmother.

Q What's her name?

A Mrs. Eichstaedt.

Q Isn't it right after you ran away the second time you were taken to the County Home for Dependent Children?

A I couldn't tell the first and second times I ran away. It was years ago.

Q Do you remember appearing in Juvenile Court again before Judge Schinz?

A I remember it.

Q And a few days after you appeared before Judge Schinz, on the Tuesday following, you ran away again, do you remember that?

A I remember appearing before him, but I don't remember which times you mean I ran away.

Q After you appeared before Judge Schinz, with whom did you make your Home?

A At the Home for Dependent Children.

Q Do you remember having run away from the Home for Dependent Children?

A Yes.

Q Do you remember when that was?

A A year ago this summer--wait, two years--I don't know.

Q Do you remember having gone out to Whitefish Bay on another escapade where you ran away?

A Yes, I do.

Q When was that?

A This year, I think.

Q. Do you remember having slept all night in a garage in Whitefish Bay?

A. Yes, I remember it.

Q. And the next morning you were put on a Center Street car by the people who owned the garage, and told to go home, do you remember that?

A. I remember it.

Q. Do you remember walking around all that day and going to the home of Mrs. Marpel?

A. I remember going to the home of Mrs. Marpel.

Q. You didn't go to your own home where you were living, did you?

A. No, I didn't.

Q. Now, at the age of ten---

MR. KERSTEN: Why not get into the nursery?

MR. SAMMARCO: That's right, I might get all of the way down.

THE COURT: I want to caution counsel about conversations between themselves.

MR. KERSTEN: All right, I couldn't restrain myself.

THE COURT: And that's the last caution you will get. Proceed with your examination.

BY MR. SAMMARCO:

Q. Did you graduate from school?

A From grade school?

Q Yes,

A I did.

Q Were you the highest or the second highest in honors?

A Didn't have honors.

Q Were you the second highest for the entire graduation class?

A We have three classes. I couldn't tell you that.

Q You never had any trouble getting through school, did you?

A Not through grade school.

Q Did you go to High School?

A Yes.

Q You didn't have any trouble with your classes, did you?

A I did, because I was out so much.

Q Now, do you remember running away from your aunt's home and walking the streets and being picked up by a policeman of the City of Milwaukee?

A I don't know when that was.

Q Do you remember having told this policeman you were unable to remember where you lived?

A No, I have never done that.

Q Do you remember this policeman taking you to the Detention Home for the evening?

A No.

MR. SAMMARCO: That's all.

MR. KERSTEN: Just this question:

Q Apparently your hair is dyed, isn't that right?

A Yes.

Q You were a brunette naturally, weren't you?

A Yes.

Q When did you dye your hair?

A The first week in September.

Q That was while you were at this house of prostitution?

A That's correct.

(Photo marked "State's Exhibit 1" for identification.)

Q I show you this picture marked "State's Exhibit 1" and ask you is you recognize it?

A That's me.

Q When was it taken?

A A year ago this spring.

Q In other words, when you were fourteen years old, approximately?

A That's correct.

MR. KERSTEN: We introduce State's Exhibit 1 into evidence.

MR. SAMMARCO: No objection, your Honor.

THE COURT: Will be received.

BY MR. SAMMARCO:

Q By the way, in that picture you have your hand on a book. Is that correct?

A Yes, I have my hand on a book.

Q Is that the Holy Bible?

A No, it's a hymnal.

Q A what?

A A hymn book.

MR. SAMMARCO: That's all.

JOHN J. TYSON, being first duly sworn,
testified as follows:

DIRECT EXAMINATION

BY MR. KERSTEN:

Q Mr. Tyson, what is your full name?

A John J. Tyson.

Q What is your occupation?

A Clerk of Juvenile Court, Milwaukee County.

Q How long have you been Clerk of the Juvenile Court,
Milwaukee County?

A Twenty-six years.

Q The Juvenile Court of Milwaukee County has jurisdiction over children under the age of sixteen and sometimes up to eighteen, does it not?

A Yes, sir.

Q Children are brought into the Juvenile Court for various reasons, isn't that correct?

A Yes, sir.

Q And under our statutes and under the procedure of your court are there certain classifications made with respect to children, such as their status, delinquent, neglected, or otherwise?

A Yes.

Q What are all of the classifications in that regard?

A Well, there is delinquency, dependency and neglect, those three divisions, and I would have supervision over mentally defective children and some other cases involving children.

Q The three main classifications are delinquent children, neglected children, and dependent children, are they not?

A Yes.

Q By "delinquent children" what, briefly and generally is meant?

MR. SAMMARCO: Objected to as immaterial.

Not proper direct examination.

THE COURT: Objection overruled.

A A delinquent child would be considered to be any child who was incorrigible, uncontrollable at home, who violates any city ordinance, county ordinance, or state law.

Q What is mean by a "neglected child"?

A A neglected child would be a child who is in a situation injurious or dangerous to the child's health or morals.

Q Caused by the child or somebody else, or what do you mean?

A Caused by neglect on the part of the custodian or parent of the child.

Q And by "dependent children"?

A A dependent child would be a child who is homeless and destitute and without any support through any fault of the parents or guardians of the child.

Q Now, Mr. Tyson, have you the records of Gloris Eichstaedt from the Juvenile Court with you?

A Yes, sir.

Q I want you to give us all the records so far as the findings and the directions of the Juvenile Court in connection with this child, the entire Juvenile Court record in that respect, particularly as to whether or not this child was found to be a delinquent child or a neglected child, and what the directions of the court were.

MR. SAMMARCO: That's objected to as leading.

THE COURT: Objection is overruled. The

can't be changed by a leading question.

Q Of course, the record starts with a notation by Probation Officer Augusta Brunk, alleging that Gloria Eichstaedt---

THE COURT: The allegations are unimportant. The portion you are asked about is the findings and disposition.

MR. KERSTEN: That's right, and the dates. A August 7th, 1939, Gloria Eichstaedt was found to be neglected and committed to the Milwaukee County Home for Dependent Children and placed in the custody of an aunt, Mrs. Mabel Jerome, with instructions her mother was not to visit---

MR. SAMMARCO: That's objected to as to the instructions.

MR. KERSTEN: We want it.

MR. SAMMARCO: I will stipulate to admit the entire record.

THE COURT: You withdraw your objection; I take it?

MR. SAMMARCO: I withdraw my objection. Let us have the whole works.

THE COURT: May I ask counsel to limit his remarks?

MR. SAMMARCO: I'm sorry.

THE WITNESS (Continuing):---with instructions that the mother not visit the child until further order from the Court.

On August 30, 1940, there was again a finding of neglect, and this child was committed to the Milwaukee County Home for Dependent Children for a period of three months, with instructions that no visits be made by any relatives.

On September 19, 1940, the case was called and continued. It was again called September 30th, 1940, was extended for a period until Gloris Eichstaedt is twenty-one years of age.

BY MR. KERSTEN:

Q Is there any finding on the part of the Juvenile Court that this child was at any time a delinquent child?

A There is not.

Q As I understand, it, on two occasions the Court directed--on the first occasion the Court directed that the mother not see her?

A Yes.

Q And on the last occasion that no relative see her---

MR. SAMMARCO: That is objected to as cross examination of his own witness. The record speaks for itself, and he has testified.

THE COURT: The testimony is clear.

MR. KERSTEN: That's all.

CROSS EXAMINATION

BY MR. SAMMARCO:

Q May I take a look at that record, Mr. Tyson?

(Short recess taken)

MR. SAMMARCO: Will your Honor permit me to stand next to the witness to read some of the excerpts of the records of the Juvenile Court?

MR. KERSTEN: I might say this, if counsel is going to go into notations or anything apart from the records and findings as brought out, I will object.

THE COURT: I suggest you point out to the District Attorney those parts of the record you consider material, and if there is objection to any portion you wish to introduce, the Court will pass on it, and if admitted the witness may read it.

MR. KERSTEN: What I offered was the findings and directions of the Juvenile Court, and nothing more. There is a voluminous file here, I don't think we ought to get off the track on that. I will object to anything apart from the findings and directions of the Juvenile Court record.

MR. SAMMARCO: I am going to offer the

record of the juvenile authorities as of May 18th, 1940, signed by Augusta E. Brunk, which tends to explain some of the findings---

THE COURT: We will excuse the jury.

MR. KERSTEN: I might say if counsel wants to offer a portion of it, why not have the whole thing in, but not portions. I will object to portions.

MR. SAMMARCO: I will stipulate that the entire file go into the record. Is that satisfactory?

MR. KERSTEN: I have no objection. It's immaterial.

THE COURT: I don't want the record cluttered up with material that isn't going to be placed before the jury. If there is any portion of this is going to be received and the jury expected to consider, then it should be read to them so that they will not be expected, when they go to the jury room, to browse through files in the record, which it is agreed much of it is unimportant.

MR. KERSTEN: I think that's correct.

MR. SAMMARCO: All right.

THE COURT: We will excuse the jury while you make your offer, so the Court may pass on the materiality of it.

(Jury returns from the court room)

BY MR. SAMMARCO:

Q On May 18th, 1940, the girl was sent to the Detention Home. Now, Mr. Tyson, where would that appear in your resume of the work of the Juvenile Court?

A That would not appear in the minutes of the court.

THE COURT: Is that when she was picked up and sent to the Detention Home?

MR. SAMMARCO: Yes.

THE COURT: How is that any more important than being picked up and held as a material witness now?

MR. SAMMARCO: What I am going to get into the record is the fact Miss Brunk made a thorough examination of this. These are the records of the Juvenile Court.

THE COURT: Is she a probation worker for the Juvenile Court?

MR. SAMMARCO: That's correct.

MR. KERSTEN: All of which might be based on hearsay upon hearsay.

THE COURT: Of what importance is her report? That is for the Juvenile Court, solely.

MR. SAMMARCO: All right, certainly on the matter of impeachment, the State brings in records,

and I am going to impeach the girl through those records.

MR. KERSTEN: That is highly improper and we object to it as an attempt to impeach upon second removed hearsay.

THE COURT: That State has shown that this girl was committed twice, each time as neglected.

MR. SAMMARCO: If I understand, it was four times she was up there.

THE COURT: But once continued.

THE WITNESS: I don't know whether the Court will allow an explanation of our proceedings.

THE COURT: This Court is familiar with the hearings in Juvenile Court. There are petitions and hearings, and the Court finally determines what the situation is. What is the importance of a report by a probation officer any more than the testimony of a policeman would be important in a criminal action reporting some person and committed various crimes if the Court didn't find that person guilty of those crimes? Isn't the analogy exactly parallel?

MR. SAMMARCO: No, because the Court permitted the State to not only show the offense is committed, but goes on and remarks the mother isn't

permitted to see her.

THE COURT: That isn't a remark. That is an order of the Court.

MR. SAMMARCO: We are permitted to go in and show why the mother was not permitted to see her. We are entitled to have that testimony in Court.

MR. KERSTEN: I don't think so.

THE COURT: Oh, no, the conclusions of the Court you are bound by.

MR. SAMMARCO: But I can explain it as to her.

THE COURT: Let's see the report you offer.

(Court looks at said report)

THE COURT: Police report: "The above named girl refuses to give her home address, stating she had no home". Is that what you offer to refute her statement she never told it to a policeman?

MR. SAMMARCO: She admitted that.

THE COURT: No, she denied it ever occurred, but it may be that the police report is incorrect. You can't impeach on hearsay or a report not signed.

MR. SAMMARCO: It is signed by Mrs. Vrunn.

THE COURT: The offer will be rejected.

Let the record show that the offer is from

the report of Augusta E. Brunk, probation officer, part of the files of the Juvenile Court record dated August 30th, 1940, consisting of seven pages, and that the particular officer is from page 3 under the notation, or under the heading, rather, of May 18th, 1940, and that the Court rejects that because it is not proper impeachment of the complaining witness, nor does it in any way refute the Juvenile Court record that has been introduced by the State.

MR. SAMMARCO: First of all I would like to have the entire file marked.

(Said file marked "Defendant's Exhibit B" for identification.

Q I show you Defendant's Exhibit B for identification.

Does that file contain all of the records and proceedings had with reference to Gloria Eichstaedt in the Juvenile Court?

A It does.

MR. KERSTEN: Let me ask a question about that last answer.

BY MR. KERSTEN:

Q That that Mr. Sammarco showed you is a manila folder?

A Yes.

Q Marked Exhibit B?

A Yes.

Q There are some papers presently out of their division?

A There are papers on the desk.

Q They are also part of that same file?

A Yes.

Q Also another sheet in front of you?

A Yes.

Q All of these papers are from the same file?

A Yes.

Q Also another sheet in front of you?

A Yes.

Q All of these papers are some the same file?

MR. SAMMARCO: That's right, all of papers. I request they be introduced in evidence as part of this case, the entire file.

MR. KERSTEN: We will object to everything except the findings and judgment and record of the Juvenile Court.

THE COURT: Objection sustained.

MR. SAMMARCO: I would like to have a ten minute recess if the Court will grant me that.

THE COURT: We want to make as rapid progress as possible, and I suggest we let this witness step down, go on with the next witness and during the noon hour you can go over it.

MR. KERSTEN: This a part of the records now.

THE COURT: That is received, will be left here and the record will be left here.

(Jury resumes their seats in the jury box)

PHILIP WESTPHAL, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KERSTEN:

Q Colonel Westphal, give us your full name.

A Philip C. Westphal.

Q What is your present business?

A Register of Deeds, Milwaukee County.

Q As such, have you among other things birth records or birth records of individuals born in Milwaukee County?

A I have.

Q Have you with you the birth record of one Gloria Eichstaedt?

A I have.

Q What is the date of the birth record of Gloria Eichstaedt?

A February 21, 1926.

MR. KERSTEN: That's all.

MR. SAMMARCO: No cross-examination.

OFFICER EUGENE NETZ, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KERSTEN:

Q Your name is Eugene Netz?

A Yes.

Q You are a Deputy Sheriff in and for Milwaukee County, are you not?

A I am.

Q How long have you been a deputy sheriff, Mr. Netz?

A Thirteen and a half years.

Q Are you a married man?

A Yes, sir.

Q When was the first time you saw this defendant, Salvatore Gagliano?

A On September 17th, 1941.

Q At that time the girl, Gloria Eichstaedt, was in custody, was she?

A Yes.

Q Where was in the Safety Building here?

A She was.

Q Had been brought down from Sheboygan?

A Yes.

MR. SAMMARCO: That's all objected to as leading.

THE COURT: Well, that's already in the record. Proceed.

BY MR. KERSTEN:

Q You saw the defendant September 17th, 1941, and you saw him where?

A In the District Attorney's Office.

Q Who was present, as you recall?

A Deputy Sheriff Hanlon, myself, District Attorney Stefes, and Detective Zilavy.

Q Detective John Zilavy?

A And Mario Megna.

Q And Detective John Zilavy has recently been involved in rather a serious accident and received physical injuries?

A So I understand.

MR. SAMMARCO: I ask that be stricken as hearsay testimony and immaterial.

THE COURT: Ordered stricken.

BY MR. KERSTEN:

Q This defendant was there when these other people were present you testified, is that right?

A He was.

Q Did he have an attorney, do you know?

A He did.

Q Who was his attorney?

A Marlo Megna.

Q Now, Mr. Netz, I want you to tell the Court and jury in your own way exactly everything that was said in the presence of the defendant on this occasion, what questions were asked of him, how he responded, and what anybody else said in his presence.

A The defendant was brought in the District Attorney's office by Attorney Megna. He came in about 2:30 P.M., the 13th of September, 1941. He was told by Mr. Steffes what the charge was going to be, and he denied having any intercourse with this girl or having anything to do with her. He started to cry, and then he asked whether or not he could talk to his attorney before he made any statement, in Italian. And Mr. Megna talked to Mr. Steffes, and Mr. Steffes gave Mr. Megna permission to him and they talked in the amw room in Italian, they talked together. I would say for ten minutes.

Q Who?

A Megna and the defendant. And then Megna says, "Well, he want to tell his story," and the defendant told us that the first time he had ever seen Gloria was at Du Laveris Bar, and that she had come up to the bar and asked him for a loan of forty dollars, that

she had a dose or a venereal disease. And we questioned him as to whether or not he hadn't seen her before. He said, "No, that's the first time I had ever seen the girl in my life." The District Attorney asked him if he gave her the forty dollars and he said he and a friend of his took her to Maxine's and at Maxine's he gave her the forty dollars to cure herself of this venereal disease. Ten days later he went back to Maxine's to get his forty dollars. A week later he and his friend again went back to Maxine's to get her out of this house of prostitution. He parked in the yard and I don't remember whether he said he or his friend went into the place, anyway they got Gloria into the car, took her for a ride, eight or ten miles, she still had her party dress on, her house or work dress, so to speak, and she insisted she wouldn't go back to Milwaukee with him. He took her back to Maxine's and told us that's the last time he has ever seen her.

Q In other words, the last time he stated he saw her was up there at Sheboygan Falls?

A When she got out of the car at Maxine's back yard and walked into the place.

Q Will you state whether or not anything was said about whether he got the forty dollars back?

A I don't remember whether he said he got his \$40.00 or not.

Q Did he make any statement as to who the men were went up with him to Maxine's?

A We asked him who his friend was, and he wouldn't tell us.

Q How long a time was spent with him before this ten minute conversation in Italian between Mario Megna and Salvatore Gagliano?

A Oh, I would say about fifteen minutes before that.

Q Was any statement made of any kind by the defendant as to his knowledge of the girl, that is, knowing her or having anything to do with her, prior to the time that this ten minutes Italian conversation took place?

MR. SAMMARCO: Objected to as leading and suggestive.

THE COURT: As I understand, this pertains to the conversation in the District Attorney's Office, and is merely trying to place the time the statements were made, whether before or after the conversations in Italian?

MR. KERSTEN: What's right.

THE COURT: Objection is overruled.

MR. KERSTEN: Do you understand the question?

(Last question read)

A Yes, when the District Attorney told him what the charges were going to be he said he didn't have anything to do with her, and he broke down and he cried quite a bit, and then he asked for permission to talk to his attorney in Italian.

BY MR. KERSTEN:

Q Well, I don't think I made myself clear. You have stated that his story was that he, with someone else, took her up to Sheboygan Falls after she had asked him.--

MR. SAMMARCO: That's objected to as being argumentative. This is his own witness.

THE COURT: Objection overruled.

BY MR. KERSTEN:

Q ---after she asked him for forty dollars, and then these other visits. When was that conversation, with respect to the time of the Italian colloquy between Mr. Magna and the defendant?

A That was after they talked in Italian.

Q Now I will ask you this: Before that Italian conversation did the defendant say anything about knowing the girl or taking her any place or having anything to do with her?

MR. SAMMARCO: Objected to as leading and

and suggestive.

THE COURT: Objection sustained.

BY MR. KERSTEN:

Q At any rate, you have told us all of the conversation that you remember right now, is that it?

A That's true.

MR. KERSTEN: That's all.

CROSS EXAMINATION

BY MR. SAMMARCO:

Q What did Mr. Steffes tell the defendant before the ten minute conversation?

A Well, there seemed to be some understanding that Mr. Megna would bring this defendant into the office, and from what I could see, his attitude and the talk, that this man knew what the charges were, that Mr. Megna had told him what they were going to be.

Q He appeared voluntarily in the District Attorney's Office with his attorney?

A He did.

Q And, as you stated, he broke down and cried a little bit?

A Yes, he did.

Q Was he informed at the time that he appeared before Mr. Steffes, that he was to be charged with pandering?

A Do you mean before the talk in Italian?

A Yes.

Q Yes, he was.

Q Was he informed the State was going to accuse him of having received \$100.00 in the county of Milwaukee, in the Du Laveris Tavern?

A No, I don't think the money part was brought up, the amount.

Q In other words, before this ten minute conversation the money part was not brought up at all?

A The amounts were not brought up.

Q Were the amounts brought out at any time during this conference, where you were present?

A Not while I was present, no, sir.

Q Were you there, present during the entire conference?

A No, I left shortly after he told his story about the \$40.00 the girl wanted to loan.

Q He admitted that story of forty dollars?

A That was the story he told us.

Q But how long did this conference take?

A I would say probably half an hour.

Q In the morning or afternoon?

A In the afternoon.

Q Now, at the time this young man was crying there, do you remember his taking an oath that he was telling

the truth?

A What do you mean by an oath?

A Do you remember when he pointed at a cross he had with him?

A I do.

Q And he took that cross out and in front of you and the others and upon the honor of himself and his family and his mother he told you and the other that he would tell the truth, do you remember that?

THE COURT: Do you interpret that to be an oath as understood by the law?

MR. SAMMARCO: Not the usual oath we take in court.

MR. KERSTEN: I will object to that as improper, not an oath.

MR. SAMMARCO: I will say a statement.

MR. KERSTEN: Of what materiality is that?

MR. SAMMARCO: To show the condition of the defendant and that he was willing to volunteer what information he had.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q You do remember his pulling out a cross?

THE COURT: The objection to that has

sustained.

MR. SAMMARCO: May I have the reason?

THE COURT: Because it is immaterial.

It isn't an oath, has no bearing on his requirement to tell the truth in law.

BY MR. SAMMARCO:

Q But he did make the statement that he would tell the truth; that's correct, Officer?

A He said he would tell his story.

Q He would tell the story?

A Yes.

Q Do you remember about how many words were spoken between the defendant and the attorney that appeared for him during that private conference of ten minutes?

A They talked quite fast. How many words were spoken, I don't know, because they were speaking in Italian.

Q It was a short period of time when these words were said, is that correct?

A I would say about ten minutes.

Q Isn't it a fact that the defendant merely said three words to his attorney?

A Absolutely not.

Q You were not there all of the time?

A They talked together in Italian, yes, sir.

Q Do you remember whether or not during the conversation anyone of the parties that were present in the room mentioned the fact of the receipt by the defendant of \$100.00 at the Du Laveris Tavern?

A I don't remember any mention of any receipt.

Q Was that the only time you saw the defendant?

A Yes, sir.

Q After that you had no further deals with him?

A I did not.

MR. SAMMARCO: That's all.

MR. KERSTEN: That's all.

OFFICER GEORGE HANLON, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KERSTEN:

Q Your name is George Hanlon?

A That's correct.

Q You are a Deputy Sheriff of Milwaukee County?

A I am.

Q How long have you been with the Sheriff's Department?

A A little over twelve years.

Q Married man?

A I am.

Q You went up to Sheboygan, did you not, prior to the

time the conversation referred to by Mr. Netz in his testimony took place?

A I did.

Q Do you know who brought Gloria Eichstaedt back to Milwaukee?

A I do.

Q Who did?

A Sheriff Joseph Shinnors and myself.

Q When was that?

A September 11th, 1941.

Q When she was brought back to Milwaukee, what was done with her?

A She was immediately placed in the custody of the matron at the County Jail.

Q Where has she been since that time, if you know?

A In the County Jail.

Q Continuously?

A That's right.

Q As a material witness?

A That's right.

Q Were you present at the time Magliano with his attorney, Mario Megna, were in the District Attorney's Office?

A I was.

Q Who was present at that time beside yourself?

A District Attorney Herbert Steffes, Deputy Sheriff Netz, Detective Zilavy, Attorney Megna, the defendant and myself.

Q I want you to give us the entire conversation now, as near as you can recall, everything that was said by everybody from the time the defendant arrived in the room until you left the defendant.

A He was brought to the District Attorney's office by Attorney Mario Megna and immediately Mr. Steffes proceeded to give an outline of the charges against him, telling him that according to the story of Gloria Eichstaedt she accused him of taking her to the Jackson Hotel in the City of Milwaukee and having intercourse with her. And then later on that same night taking her to a house of prostitution called the Old Colony Club, operated by a Maxine Constance, in Sheboygan. He was also told that he was accused of receiving certain amounts of money at different times while Gloria Eichstaedt was working as a prostitute in this same house of prostitution, those amounts being received by him in Sheboygan County. He was accused of receiving money in the Du Laveris Bar at the northeast corner of 4th and Wells in the last part of May and said money was paid to him by Maxine Constance in the presence of her husband, Christ and

Gloria Eichstaedt.

He at different times interrupted Mr Steffes and denied some of the accusations; some he let pass.

He started to cry and Mr. Megna interrupted several times with one or two remarks of some nature, I don't recall, and then Magliano, the defendant, asked Mr. Steffes whether he could talk to Mr. Megna. Mr. Steffes agreed to that and they immediately conversed in Italian. Now, in that room there is a table, and the defendant and Attorney Megna and myself were on one side and Mr. Steffes, Detective Zilavy and Eugene Nets were on the other side of the room. I was sitting immediately next to Megna. The two of them conversed very rapidly for a good ten minutes, and then Megna made the statement to Steffes that he was willing to tell his story. He proceeded to say that this same girl, Gloria Eichstaedt, had come into the DuLaveris Bar some night, I don't know which night it was, but it was the early part of May, he agreed, and walked up to him as a total stranger, and remarked she was in trouble. He asked what kind of trouble and she told him she thought she had a dose of disease. She asked for a loan of money, and finally he said the amount specified was forty dollars. He stated he took her to Maxine's Old Colony Club at Sheboygan

Falls, in Sheboygan County, and left her there. About ten days later he stated he went back up and collected the forty dollars, which was due him for the medical expense which he had advanced. He then stated that he went back up the third time in company with a friend of his he didn't name, and stated that he attempted to get her out of this house of prostitution, that he didn't know it was a house of prostitution until he made his second trip there, and he wanted to take her back to Milwaukee, and as she resisted and insisted she wouldn't go back all, he had been driving for some distance, but he turned around and went back and left her and never saw her again.

Q What do you mean by that? After the time in Sheboygan Falls?

A That's correct.

Q Did he state any reason for going up to the Old Colony Club, Maxine's, as to why he took her there?

A On the first trip, you mean?

Q Yes.

Q On the advice of the same friends he went up with.

Q Did he give you the names of those friends?

A He did, not just at that time, but later in the conversation he mentioned the fact it was Louis Fazio and a fellow named Duffy.

Q Did he give you the name of the man drove up with him the last time he admitted he went up there?

A No, he has never given me that name.

Q Do you know whether he was asked the name?

A He was at that time. I have since learned the name, but not from him.

Q The Du Laveris Bar is located in the County of Milwaukee, State of Wisconsin?

A Yes.

Q As is likewise the Jackson Hotel?

A That's correct.

MR. KERSTEN: Take the witness.

CROSS EXAMINATION

BY MR. SAMMARCO:

Q You say you found out who the party was made that second trip with him when he tried to bring the girl back. Who was that party?

A Attorney Sammarco.

Q And I disclosed to you a fellow named Harry Couzens, is the fellow went up there?

A Did.

Q I also disclosed to you I had been attempting to find Harry Couzens?

A You did.

Q There was a subpoena issued for Harry Couzens, is that correct?

A That is correct.

Q You tried to find Harry Couzens?

A I did.

Q You had an awful time trying to find him?

A I failed.

Q Do you know whether he is in town or not?

A I understand he is not, to the best of my knowledge.

Q You made quite a thorough investigation of this case, didn't you?

A Yes, sir.

Q You and I have met quite a few times on the question of witnesses?

A We have.

Q You know there was a subpoena issued for Danny Patsos?

A I do.

Q And I tried to find him, or both of us tried to find him?

A I did.

Q You didn't get him, did you?

A No, sir.

Q And that subpoena has been returned, you know that, and not served?

A That's right.

Q On November 13th we tried to get some other witnesses, you went up to Sheboygan Falls?

A That's right.

Q And off and on did continue your investigation. You took a subpoena up there for Maxine Constance?

A I did, and her husband.

Q But you were unable to get Maxine Constance?

A That's right.

Q These three subpoenas I have enumerated were issued by, Mr., is that correct?

A Yes, sir.

Q And they were to testify for the defendant?

A That's right.

Q In fact I issued about a dozen subpoenas, you knew that, didn't you?

A I knew you issued those subpoenas, yes.

Q You became aware of the fact through the sheriff's office?

MR. KERSTEN: I object to that as immaterial.

THE COURT: What is the materiality of this?

MR. SAMMARCO: I am just leading up to impeaching the testimony of---

THE COURT: Of who?

MR. SAMMARCO: Mr. Hanlop.

THE COURT: I can't see how it is impeaching him, but go ahead.

BY MR. SAMMARCO:

Q After these subpoenas were issued, you knew all about it?

A I knew those were issued.

Q And you were making a careful investigation and you were ordered by the District Attorney to bring in all of the witnesses that were called for under these subpoenas, John Clausen, Robert Terris, Leona Eichstaedt, Ella Clause, Christ Constance, Robert Bunday, Isadore Eisen, and Erv Cisceske?

A I wasn't ordered to bring them all in.

Q How many did you bring in after the issuance of my subpoenas?

A I brought in Mr. and Mrs. Clausen, or I requested them to meet me in the District Attorney's Office.

Q After the subpoena was issued?

A That's correct, and Bob Bundy, I believe the name is, I requested him to come in and see me, which he did, with his attorney,

Q After the issuance of my subpoena?

A Yes, and I believe that is the only ones I had in.

I talked to the rest, not all of them, but some of

them.

Q How about Isadore Eisen? Did you talk to him at the Du Laveris Bar?

A Yes, I went there personally, trying to find Danny Patsos.

Q You also talked to Erv Cisceske after the issuance of the subpoena, is that correct, the bartender at Fourth and Wells?

A Yes, that's correct.

Q And since the issuance of the subpoena did you talk to Robert Terris?

A That's correct.

Q And since the issuance of the subpoena for Leona Goldene Eichstaedt, did you go up to the house and talk to her?

A I talked to her before that and since.

Q When is the first time you talked to her?

A In the District Attorney's Office some time ago.

Q Would you say right after October 15th when we had the preliminary, the following day?

A Yes, it was the following day.

MR. KERSTEN: Is the Court please, I don't see any line of impeachment here, and I will object to it.

THE COURT: Objection sustained.

BY MR. SAMMARCO:

Q This girl, Louis Eichstaedt, was not present at the time that you, Officer Netz, Mr. Steffes, Mr. Megna and the defendant, were having this conference, is that correct?

A That is correct.

Q Did you ever bring the defendant and Gloria face to face on these charges?

A NO. She was brought face to face with him in District Court, I believe, the first time.

Q That was at the preliminary?

A At the arraignment the first time.

Q But outside of that he has never made a statement in her presence, either refuting or admitting charges in this case?

A That is correct.

Q You heard Officer Netz's testimony that the defendant broke down and cried?

A Yes.

MR. KERSTEN: I object to that as immaterial, what the witness heard Officer Netz testify to.

MR. SAMMARCO: I will withdraw that question.

Q Is it a fact the defendant, when he was in the District Attorney's room, was highly emotional?

A He started to cry when he heard the charges.

Q And he was highly excited, wasn't he?

A Well, he was represented by counsel. I don't know whether he was excited or not.

Q Do you know whether or not he was excited?

A I wouldn't say he was highly excited. He was excited over the charges.

Q Mr. Hanlon, have you got a letter that was given to you by Gloria's mother immediately after I issued the subpoena?

A I have.

Q Have you that presently with you?

A I have.

Q May I take a look at it?

A I will have to get that from my file (does so).

MR. KERSTEN: It is kind of a lengthy letter, your Honor.

THE COURT: Well, it is nearly noon. We will adjourn now until 1:30.

1:30 o'clock p.m., trial resumed.

Parties appearing as heretofore noted.

Jury present; defendant in court.

MR. KERSTEN: If the Court please, in a case of this kind I see there are what appear to be

a rather young people in the audience, I think people under eighteen years out to be excluded from the Court room.

THE COURT: If there is anyone in the Court room under the age of eighteen, they are directed to leave now.

I will direct the bailiff to look them over and decide for yourself if there are any under eighteen.

MR. KERSTEN: Mr. Hanlon, will you take the witness stand, please?

OFFICER GEORGE HANLON resumes the stand.

MR. KERSTEN: If the Court please, Mr. Sammarco, in cross-examination of Mr. Hanlon, asked him to produce a letter which he had in his file, which purports to have been sent from Gloira, this complaining witness, to her mother, Miss Leona Eichstaedt, on March 13th, 1941. I want to offer that letter in evidence. I think it ought to go in in its entirety.

MR. SAMMARCO: We will stipulate it may go in.

MR. KERSTEN: And I want it marked as a State's Exhibit.

MR. SAMMARCO: Yes.

THE COURT: It will be received in evidence, the letter and envelope.

(Said letter and envelope were thereupon marked "State's Exhibit 2")

BY MR. KERSTEN:

Q State's Exhibit 2, Mr. Hanlon, with the papers enclosed therein, is the letter referred to by Mr. Sammarco?

A Yes.

Q You got that from who?

A Leona Eichstaedt.

Q This letter is enclosed in an envelope dated March 13, 1941, Milwaukee, Wisconsin, addressed to Miss Leona Eichstaedt, 1304 North Astor Street, Milwaukee, Wisconsin, and down in the left hand corner of the envelope, #23. The letter is dated 4:00 P.M., March 11, 1941, at the top of the letter. The body of it reads as follows;

"Dear Mother:

I've got lots to say and so I don't know where to begin. First of all, I want to thank you for the birthday card and hope that you really get well soon. It seems kind of odd to be writing to you so it will be kind of hard for me to express myself. Ella had two parties for me, one on the night

of my birthday and one on the Sunday after. It's kind of late so don't mind the writing. The party of Friday night had a lot of my girl-friends. Some couldn't come so the crowd was reduced. We played card games for various gifts. Ella had a swell luncheon. The party broke up a little after 12:30, but we had a good time. The party of Sunday night was kind of a surprise. We had lots of fun. I suppose you're wondering about the gifts I received so here goes:

Silk stockings from Howard.

3 pairs of socks (red, white, blue) from Donald

Pen and pencil set - Ella and John (Nice, eh)?

A pair of pearls - Carol McQuiggin.

Bottle of good perfume - Eileen Marquardt (L.H.S.)

Lovely Housecoat - El's side of family.

Beautiful white slip - John's mother.

2 hankies - card game.

Pink silk negligee - Ag and George.

Pair of Burcher Boy pajamas. Eileen Niehlke (L.H.S.)

Pair of green socks - from Eileen M.

Card from Cam (Cam's from L.H.S.)

" " you

" " El and John & boys.

I had a lovely birthday, don't you think so? I've learned how to play sheepshead. Is it fun? It reminds you of Grandpa, doesn't it, he always seemed to like it a lot. I've joined Pilgrim Church Walther League, and Choir. Do we have fun at W.L. After every meeting we go to the drugstore two blocks away (on 72nd and Center, church is on 68th and Center). We always have loads of fun. There's usually anywhere from 5 to 12 kids in there. Last night we went to the Milk Jug on Blue Mound Road. If we would have thought of it we could have gone to the one on 76th and Capitol Drive. We had lots of fun, but the one car got stuck and Ed and his car had to shove. We finally got home (1:30) she explained to El. She knows we always go to the drugstore but after this if we go further I'm going to stop by and tell her. Of course we wouldn't have gotten home nearly so late if one of the cars hadn't got stuck. Our choir sings on the 19th of February. Mom, do me and yourself a favor. Join a church. I suppose now you're too sick to go out but please listen to the "Lutheran Hour" on Sunday afternoon, 12:30, on W.I.S.N. Do you know I think you'd feel better if you belonged to the church. Some day this week yet I'm going to visit Lutheran High School (L.H.S.) El's birthday is Sat. and she intends

to have her family over for supper. Howard isn't feeling well this evening so he's lying on the couch. Our Walther League is going to have a banquet at the Underwood Hotel, Wauwatosa, Wisconsin. Mrs. Glennon took me to Penny's and got me two shirts, (blue and yellow) two skirts, (dashing blue and tan), pair of brogues (brown shoes with permanent flaps). I'm going to try and save up a sum of money large enough to buy a pair of semi-dress shoes. It's getting late. El's not home yet and I am yawning. A week ago Sat. Irish (real name is Iris, cousin of Ella's who's a nurse) took me to downtown show at night. We saw "Virginia" and "Life with Henry Aldrich." Later, after that we went to the Piccadilly. The she had to go to Grandma Ida's (El's mother) and I went home. We had lots of fun. El and I still have to go to the show together yet. I'd like to see "One With the Wind" and so would she (she saw it once). I hope we can go together. I made 55¢ Sunday night by singing for El's family. (We just about always go there on Sundays). I'm going to sell flower and plant seed to get a free gift. Wait 'till you see it. I'm not doing so hot in shorthand and typing cause they teach it different here at Tosa, I'm always getting good marks in speech, though. Are there the beautiful girls going here. They look like

fashion plates walking around. I sure don't belong here! I met some girls I knew from the 'Children's Home', another girl I know from the orphanage at Sparta, and one was put in a foster home by a Catholic Association. Now I am getting tired. I can't even write half-ways decent anymore. I've got to fix my nails yet so I'll say so-long until I hear from you.

"Love,

"XX"

Gloria"

That letter just read into the record is written partially on a kind of convalescent card, enclosure, the outside of which says: "A Bouquet of Get Well Wishes", and on the inside a little verse which is in keepwith the the idea of the card, "Get well soon," signed, "Love, Gloria". And in parentheses, "Letter inside". That letter was written March 13th of 1941.

The state will offer that into evidence.

THE COURT: Received.

MR. SAMMARGO: No further cross-examination.

GAIL STUART, being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MR. KERSTEN:

Q Your name is Earl Stuart?

A Yes, sir.

Q You came down from Green Bay this morning, very early this morning, isn't that right?

A That's right.

Q George Hanlon, Deputy Sheriff, who was on the stand a short while ago, brought you down, isn't that correct?

A Yes.

Q When did he first see you?

A Last night.

Q About what time?

A About 12:30.

Q A little after midnight?

A Yes.

Q Where did he see you?

A Up in Green Bay in the Court House--in the County Court.

Q How did you get to the Court House in Green Bay?

A The Undersheriff took me there.

Q Undersheriff of Green Bay?

A Yes.

Q You had been in some place just outside of Green Bay.

had you?

A That's right.

Q The Undersheriff contacted you and brought you to the Court House?

A Yes.

Q When you saw Mr. Hanlon, there it was about 12:30?

A Something around there. I don't know.

Q And the drive to Milwaukee took from midnight last night until early this morning?

A Yes.

Q You saw me at Mr. Steffes' office this morning?

A Yes.

Q Just for a few minutes?

A Yes.

Q Is that the first time, or had you ever seen me before?

A No, I had never seen you before.

Q Since September of this last year have you seen or talked with or had any communication with Gloria Eichstaedt up until today?

MR. SAMMARCO: That's objected to as immaterial.

THE COURT: Objection overruled.

A No.

BY MR. KERSTEN:

Q In the early part of the month of May, @all, where were you?

A At the Old Colony Club, Sheboygan Falls.

Q When did you leave there?

A Oh, about a week and a half ago.

Q How long, approximately, as near as you can tell us, had you been there, up to that time, up to May of this year?

A Oh, approximately about three and a half years.

Q Do you know @loria Eichstaedt?

A Well, yes, I know her.

Q What do you know her as?

A I know her as "Irish".

MR. KERSTEN: Stand up, @loria.

(@loria Eichstaedt stands.)

Q This is the girl we are talking about?

A That's right.

Q When did you first see Irish?

A Oh, that was the first week in May.

Q Where was that?

A At the Colony Club, Sheboygan Falls.

Q I want you to tell the court and jury now in your own may, @all, exactly everything you observed about her coming to this place, that is, where you saw her and

who was with her.

MR. SAMMARCO: I assume the Court will instruct her she need not testify, and as to her constitutional rights.

THE COURT: If anything is asked the answer to which might incriminate her, the Court will duly protect her.

(Last question read)

A It was about 3:30 in the morning, and somebody had answered the door and called me, I think the front room, and when I entered there were three men there and one girl, this girl was Irish, and one fellow I knew slightly, his name was Louis Fazio, and he had two fellows with him that he introduced me to I had never seen before, and one was Ted Capp and the other one was Duffy.

Q Do you know Teddy Capp now? Do you recognize him?

A I have only seen him twice.

Q Do you recognize him?

A Yes.

Q Can you point him out?

A Sitting at that table directly in front of me.

Q This man, point to the defendant?

A Yes.

Q You saw him there at the Old Colony Club on this oc-

casation?

A Yes.

Q With Fazio and Duffy?

A That's right.

Q How many girls, approximately, were at the Club at this time?

A Oh, four or five, maybe six. I couldn't say definitely.

Q Who was in charge at that particular hour at that time?

A At that hour I was.

Q You were in charge?

A That's right.

Q Maxine was the party that ran the place?

A That's right.

MR. SAMMARCO: That's objected to as leading.

THE COURT: It is sufficiently in the record so the leading on that is harmless. The objection is overruled.

BY MR. KERSTEN:

Q Now, call, tell us what these three men and the girl did, so far as you observed, right after they came in and when they came in.

A I was introduced to these three people by Louis Fazio, who I knew slightly, and Teddy Capp and Irish sat down.

on the sofa and I sat in one chair and the other two fellows sat in two other chairs. We talked for a short while and I had to get up and go out of the room and I guess some of the girls came in there and sat down and started talking, and what was said I don't recall distinctly. I came back later, and I heard Teddy say that Irish should be a good girl, and as she was told and everything would be all right.

Q Where was Teddy when he was telling that to Irish?

A She should be a good girl.

Q To whom was Teddy saying that?

A To Irish.

Q And when he said that to her, where was he and where was she?

A They were both sitting on the sofa.

Q Did you observe anything about them, as to what they were doing, sitting there?

A They were just sitting there, talking. He had his arm around her.

Q Who had his arm around Irish?

A Teddy.

Q Go ahead.

A So they left and one of the girls went upstairs with Irish and Irish went to sleep, so the following afternoon I saw Maxine and I told her---

MR. SAMMARCO: Just a minute.

MR. KERSTEN: That will be objected to.

Q Will you speak up so the attorneys can hear without straining?

A Certainly.

MR. SAMMARCO: I object to any testimony along this line, because hearsay.

THE COURT: You will exclude from her testimony conversations with other people, because hearsay.

BY MR. KERSTEN:

Q The defendant was not there at that time?

A No.

Q He had gone?

A That's right.

Q Do you recall if you saw Teddy Capp, or the defendant here, at any time after that?

A I saw him once after that.

Q Just tell us about that.

A It was early one morning, just when I couldn't say, how soon after the first time I saw him.

Q I mean, can you give us some more accurate idea about the time of day?

A It was some time after the time he came first.

Q Around 3 A.M. in the mbrning?

A. Yes, or closer to 4:00 in the morning.

Q. Between 3:00 and 4:00 A.M.?

A. In the morning, yes, and he came in and said "Hello" and I said, "Hello", and that was all. I didn't have any more conversation with him and I went upstairs.

Q. Now, was there any conversation at the time these three men brought Irish up to the place the first part of May, with you or with anybody in your presence, about treating this girl, Irish, for a disease?

A. No.

MR. SAMMARCO: That's objected to as leading and suggestive.

THE COURT: She has answered the question "No". I think the objection is overruled.

BY MR. KERSTEN:

Q. What kind of a room was it that these three men came into?

A. It was a regular parlor, a sofa and four over-stuffed chairs and a fireplace.

Q. Was anything done aside from just sit there and have a little conversation?

A. No---put a nickel in the Orthophonic.

MR. SAMMARCO: I believe you are referring to the first meeting, Mr. Kersten.

MR. KERSTEN: At any time, so far as you could see, did Fazio sit next to Irish and have his arm around her?

A No.

Q Who was the one did that?

A Teddy.

Q This defendant here?

A Yes.

MR. KERSTEN: Take the witness.

CROSS-EXAMINATION

BY MR. SAMMARCO:

Q Now, approximately how many days after the first time Ted was there, did he come back again?

A I couldn't say definitely. It was around two weeks or ten days. I don't know just exactly.

Q You didn't see anything occurred there that was out of the ordinary when he came up that second time?

A No.

Q Was Louis Eichstaedt or Irish, as you call her, friendly to Ted at that time?

A I couldn't say.

Q They talked for awhile?

A As I say, I said "Hello and I didn't see them any more after that."